

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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DARROW BOGGIANO,

Plaintiff,

vs.

OFFICIALCITYSITES.ORG,  
LENDERHOST, INC., and DOES 1-10

Defendants.

MEMORANDUM DECISION AND  
ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION  
AND DENYING PLAINTIFF'S  
MOTION FOR JOINDER OF  
PARTIES

Case No. 2:05-CV-623 TS

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This matter is before the Court on Plaintiff's Motion for Reconsideration of Decision Granting Dismissal of Defendant Lenderhost and Plaintiff's Motion for Joinder of Parties. For the reasons discussed below, the Court will deny both Motions.

I. BACKGROUND

On April 17, 2006, the Court entered its Memorandum Decision and Order Granting Defendant Lenderhost's Motion to Dismiss.<sup>1</sup> The Court found that it lacked personal jurisdiction over Defendant Lenderhost. Plaintiff has filed the instant Motion asking the Court to reconsider

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<sup>1</sup>Docket No. 27.

its April 17, 2006 Order. Plaintiff states that she has located additional evidence and that this evidence requires reversal of the Court's Order.

## II. MOTION TO RECONSIDER STANDARD

The Tenth Circuit has recognized the following grounds which warrant a motion to reconsider under Rule 59(e): (1) an intervening change in the controlling law; (2) new evidence previously unavailable; and (3) the need to correct clear error or prevent manifest injustice.<sup>2</sup>

“Thus, a motion for reconsideration is appropriate where the court has misapprehended the facts, a party's position, or the controlling law. . . . It is not appropriate to revisit issues already addressed or advance arguments that could have been raised in prior briefing.”<sup>3</sup>

## III. DISCUSSION

Plaintiff's Motion for Reconsideration makes various claims linking Defendant Lenderhost and individuals associated with Defendant Lenderhost to Defendant OfficialCitySite.org. Plaintiff, however, fails to show any connection between Defendant Lenderhost and Utah. Therefore, for the reasons set out in the Court's April 17, 2006 Order, Plaintiff's Motion for Reconsideration is denied.

Plaintiff, in her Motion, also seeks to join various parties to this case. Plaintiff has failed to comply with the requirements of Fed.R.Civ.P. 20. Further, the individuals listed in her Motion are not named as Defendants in the Complaint or Amended Complaint. Nor has Plaintiff sought to amend her Complaint to name these individuals as Defendants. Therefore, Plaintiff's Motion for Joinder of Parties is denied.

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<sup>2</sup>*Servants of Paraclete v. Does*, 204 F.3d 1005, 1112 (10th Cir. 2005).

<sup>3</sup>*Id.*


IV. CONCLUSION

It is therefore

ORDERED that Plaintiff's Motion for Reconsideration of Decision Granting Dismissal of Defendant Lenderhost Inc. and Motion for Joinder of Parties (Docket No. 30) is DENIED.

DATED May 24, 2006.

BY THE COURT:

  
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TED STEWART  
United States District Judge